

AGREEMENT

Advisory Neighborhood Commission 2E ("the ANC") and 1218 Wisconsin Inc, t/a Third Edition ("Applicant") agree as follows:

WHEREAS, the Applicant has applied for renewal of a Class "CT" alcoholic beverage license for the property located at 1218 Wisconsin Ave (the "Establishment"), ABC Application #6864, which is pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board).

WHEREAS, the ANC represents the residents and taxpayers within its boundaries and wishes to insure that no Establishment that sells alcoholic beverages will adversely affect the health, safety, and quality of life in the surrounding community; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the Applicant's operational plans;

NOW, THEREFORE, in consideration of the premises above recited, and the covenants and promises set forth below, the parties agree as follows:

1. The Applicant shall operate the Establishment at all times in full compliance with all applicable laws of the District of Columbia and the United States of America.
2. The Applicant shall comply with the occupancy limits in its Certificate of Occupancy (C of O) issued by the DC government. The Applicant agrees to consult with the ANC in developing any proposal to change occupancy limits.
3. The Establishment shall close no later than 2 am on Sundays through Thursdays and 3 am on Fridays and Saturdays, and may open for business daily at 11 am. There shall be no increase in these hours without advance notice to the ANC and proper approval by the ABC Board.
4. The Applicant shall make available hot meal service until at least two hours before closing.
5. The Applicant shall strictly enforce the underage drinking laws of the District of Columbia by requiring valid official identification showing age and cooperating with ABC inspectors and the police department in enforcing the law. The Applicant shall train all of its employees who are involved in the service of alcohol or in controlling admission to the Establishment in the "TIPS" program or an equivalent program. A fully licensed manager who is conversant with this agreement shall be on duty at all times that the Establishment is open.
6. To the extent permitted by law, the Applicant will establish standards for dress of its patrons with the objective of discouraging patronage by individuals below legal drinking age and of encouraging mature and responsible behavior both within and outside the Establishment. Such standards shall be in writing and a current copy provided to the ANC.
7. The Applicant shall neither offer nor publicize any student discounts, "happy hours", "pub crawls," "ladies' nights," "men's nights," all-you-can drink for one price, or similar special promotions that encourage the excessive consumption of alcohol.
8. The Applicant shall not distribute or place fliers, placards, cards and other promotional materials in the public space, or on any college or university campus including student housing and dormitories, nor place promotional fliers, placards, cards, banners or other promotional materials on or in its windows, doors, or building that are visible from the public space, except for copies of its menus and seasonal (Thanksgiving, Christmas, Hanukah) decorations that may be left in place for no more than 30 days.
9. There shall be no live entertainment, except that the Applicant may continue to provide its weekly single acoustical guitar performance. Applicant may provide recorded music and

dancing by patrons with a dance floor no larger than 400 square feet, provided that no noise is generated external to the Establishment in violation of the law, including 23 DCMR 905.

10. The Applicant shall not use public space without first obtaining the required permit from the Public Space Committee of the D.C. Department of Public Works and, if such permit is issued, shall use public space only in strict conformance with the permit.
11. Regarding the outdoor area in the rear of the Establishment ("Tiki Bar"), this space shall be used only with a valid summer garden permit or other similar permit as required by law, and use shall be subject to the following conditions:
 - a) The posted occupancy limit shall be adhered to at all times;
 - b) Amplified music shall be limited to soft background music that cannot be heard from public space;
 - c) Access to and egress from this area shall be controlled so as to minimize the impact on public safety, with great weight given to the recommendation of the Metropolitan police.
12. The Applicant shall not permit trash, garbage, or litter to be placed outside the premises in unprotected bags, cans, or containers and shall insure that all legal refuse containers are emptied by a professional garbage truck service every day with the possible exception of Sundays. The applicant shall at all times maintain the trash area clean and free of litter. Repeated sanitation citations by DC government inspectors will be considered a violation of this agreement.
13. The Applicant will make its best efforts to cooperate with the other businesses using the trash dumpsters to formalize a separate operating agreement for the physical improvement of the trash facility. At least until such agreement is reached and approved by the ANC, the Applicant shall label with its name all refuse containers reserved for its own use, shall not place trash in any container other than those so labeled, and shall make every effort to secure those containers from access by others, at a minimum by keeping lids locked and moveable containers enclosed when the establishment is closed.
14. The parties agree that the above provisions are conditions of the license and any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. §1513.5. Prior to so petitioning, however, the ANC shall notify the Applicant in writing of any perceived violations and afford Applicant seven (7) calendar days in which to address or rectify the perceived violation.
15. This written agreement constitutes the only agreement between the parties and may be modified only by the written agreement of both parties.

Executed this 19th day of December, 2001.

1218 WISC., INC.

By: Gregory L. Talcott
Gregory L. Talcott, President

ADVISORY NEIGHBORHOOD COMMISSION 2E

BY: Peter Pulsifer
Peter Pulsifer, Chairman

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Foxhall-MacArthur,
Georgetown and Hillandale

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December 19, 2001

Mr. Roderic Woodson, Chair
DC Alcoholic Beverage Control Board
941 North Capitol Street, NW
Washington, DC 20001

**RE: Third Edition, 1218 Wisconsin Ave., NW
Renew CT License Application No. 6864**

Dear Chairman Woodson and Members of the Board:

ANC 2E protested the above-referenced application in part because of recurring problems with overcrowding at the establishment, which contribute to increased noise, rowdy behavior, and vandalism on nearby residential streets, as well as increased public safety hazards to the occupants of the crowded building. During our negotiations, the applicant acknowledged that he has operated with occupancy in excess of the Certificate of Occupancy (which is identical to that permitted under the current ABC license), and has indicated his intention to seek an increased occupancy limit.

Consequent to Board-sponsored mediation, we have signed a voluntary agreement with the applicant. An important provision in that agreement is the commitment to adhere to existing occupancy limits and to consult with the ANC prior to proposing any increase in occupancy. We wish to emphasize that we have at no point agreed to any such increase, and that strict adherence to this provision is very important to the ANC.

Thank you.

Sincerely,



Peter Pulsifer
Chair

COMMISSIONERS:

Scott Polk, District 1 Len Levine, District 2 Peter Pulsifer, District 3 Justin Kopa, District 4
Justin Wagner, District 5 Bill Starrels, District 6 Tom Birch, District 7 Mark Ryan, District 8

Third Edition

THE GEORGETOWN TRADITION
SINCE 1969

District of Columbia Alcoholic Beverage Control Board
Alcoholic Beverage Regulation Administration

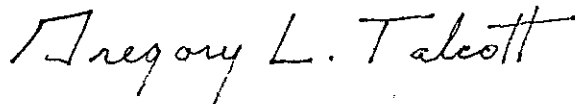
RE: Ret. CT – renewal application

Dear Members of the Board

I wish to thank you all for your assistance and patience with the above referenced matter. I apologize for not delivering the signed Voluntary Agreement in person. I have taken the opportunity to attend my daughter's school Christmas Pageant this morning. She thanks you as well.

If you ever have any questions, or wish to contact me for any reason, please do not hesitate to call.

Sincerely,



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